IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 152 of 2005

Between:

Sri A.Kishan S/o.A.Yadagiri
No.412,Jagatgiri Gutta, R.R.Dist.

..... PETITIONER

AND

1 The Assistant Supply Officer Circle-I,Balanagar,
2 The Sub Inspector of Police, P.S.Jeedimetla,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents for non-supply of K.oil to the dealer is illegal, improper and where his authorisation is existing for N.R.Shop No.412, violative of principles of natural justice.

Counsel for the Petitioner:MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

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The petitioner claims to be a Dealer in kerosene. His grievance is that the 1st respondent is not supplying the kerosene, even though he holds necessary permits

and licences and seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner had stated in the affidavit that on 07.01.2005, the 2nd respondent viz., Sub-Inspector of Police, Jeedimetla, seized 600 liters of kerosene oil from his shop on certain allegations and initiated proceedings under Sections 3 and 4 of the Essential Commodities Act. It is also represented that the Assistant of the petitioner was arrested on the same day.

On instructions, learned Government Pleader for Civil Supplies submits that the whereabouts of the petitioner are not known and that the kerosene shop is being run benami by another individual. He submits that the petitioner has not approached the 1st respondent so far and if the petitioner appears with the necessary licence and authorization, the 1st respondent would take necessary steps.

This Court cannot adjudicate the matter in relation to the seizure of kerosene from the petitioner. It is for the concerned authority, before whom the proceedings were initiated, to pass appropriate orders therein. So far as the supply of kerosene to the petitioner is concerned, he can certainly approach the 1st respondent and satisfy him as to the actual running of the shop as well as holding the necessary licence.

Hence, the writ petition is disposed of, directing that it shall be open to the petitioner to appear before the 1st respondent in person together with the necessary permits and licences and the 1st respondent shall take necessary steps in the matter of supply of kerosene to the petitioner. There shall be no order as to costs.

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31.01.2005

Note: Issue C.C. in two days.

(B/o)

Jsu

To

1 The Assistant Supply Officer Circle-I,Balanagar.
2 The Sub-Inspector of Police, P.S.Jeedimetla.

3 Two CCs to G.P. for Civil Supplies, High Court of

Andhra Pradesh, Hyderabad (OUT).

4 Two CD copies.